

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARLES KESSE

Filed Electronically

07 CV 3550

Plaintiff,

-against-

COURIER CAR RENTAL INC. and
MURAHAMI KAZUHIRO,

**NOTICE OF FILING OF
NOTICE OF REMOVAL**

Supreme Court, Bronx County
Index No.13564/07

Defendants
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PLEASE TAKE NOTICE that the attached Notice of Removal of this action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, was duly filed on May 3, 2007 in the United States District Court for the Southern District of New York pursuant to 28 U.S.C. § 1441.

Dated: New York, New York
May 2, 2007

Yours, etc.
GALVANO & XANTHAKIS, P.C.



By: Kyle Edmonds (8442)
Attorneys for Defendants
150 Broadway, Suite 2100
New York, New York 10038
(212) 349-5150

TO: Harold Chetrick, PC
Attorney(s) for Plaintiff
The Lincoln Building
60 East 42nd Street
Suite 445
New York, N.Y. 10165-0445
212-557-5830

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CHARLES KESSE

Filed Electronically

Plaintiff,

07 CV 3550

-against-

**NOTICE OF REMOVAL
OF ACTION FROM STATE
COURT**

COURIER CAR RENTAL INC. and
MURAHAMI KAZUHIRO,

Defendants

-----X

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. 1441, defendants, COURIER CAR RENTAL INC. and MURAHAMI KAZUHIRO, hereby remove the above-captioned action from the Supreme Court of the State of New York, Bronx County, to the United States District Court for the Southern District of New York. Defendants appear for the purpose of removal only and for no other purpose and reserve all defenses available to them.

Defendants allege as follows:

1. Plaintiff has purported to commence the above-captioned action against the defendants in the Supreme Court of the State of New York, Bronx County. The defendants received a copy of the summons and complaint by mail on or about April 29, 2007. (Copy of summons and complaint attached as Exhibit A) That said action is now pending in the Supreme Court of the State of New York, Bronx County; that this Notice is being filed within thirty (30) days after the receipt of such initial pleading, pursuant to 28 U.S.C. 1446 (b).

2. The Summons and Verified Complaint constitutes all process and pleading in the state court action to date. (Exhibit A)

3. Upon information and belief and as alleged in the Summons and Verified Complaint,

plaintiff is a resident of the State of New York.

4. Defendants at the commencement of the above-captioned action are residents of the State of New Jersey and Pennsylvania. The address for COURIER CAR RENTAL INC. is 19 Wright Way, Fairfield, N.J. 07004 and the address for MURAHAMI KAZUHIRO is 106 Green Oaks Drive, Apt. B, Edinboro, PA 16412. These are also the addresses that are listed for service on the summons and verified complaint.

5. Plaintiff's complaint alleges that plaintiff was injured on July 24, 2005 as the result of a motor vehicle accident on Tenth Avenue at or near its intersection with West 36th Street in the county and state of New York. **Specifically, the plaintiff alleges that he was caused to and did sustain serious and severe personal injuries. Plaintiff further alleges he was rendered sick, sore, lame and disabled; was caused to suffer, did suffer, and upon information and belief, will continue to suffer great bodily and mental pain. (See Exhibit A, paragraph 15)** The amount in controversy is in excess of \$75,000 for alleged personal injuries.

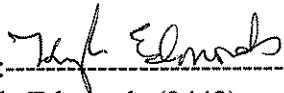
6. The above-captioned action, therefore, is one of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and is one which may be removed to this Court by the defendants herein pursuant to the provisions of 28 U.S.C § 1441(a), in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and are between citizens of different states.

7. Defendants will promptly file a copy of this Notice in the Supreme Court of the State of New York for the County of Bronx, and will serve a copy of this Notice on counsel for plaintiff, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants respectfully request that the above-captioned action now pending against it in the Supreme Court of the State of New York for the County of Bronx be removed from there to this Court.

Dated: New York, New York
May 2, 2007

Yours, etc.
GALVANO & XANTHAKIS, P.C.

By: 

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